

AMENDED IN SENATE MARCH 26, 2003

SENATE BILL

No. 315

Introduced by Committee on Transportation (Senators Murray (Chair), Figueroa, Florez, Karnette, Perata, Scott, Soto, and Torlakson)

February 19, 2003

An act to amend Section 10753 of the Revenue and Taxation Code, *and to amend Sections 1800, 1810, 1810.7, 4456, 5068, 6700, 9101, 9107, 11204, 12814, 15250.7, 16021, and 40508 of, and to add Section 11519 to, the Vehicle Code*, relating to ~~taxation~~ vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 315, as amended, Committee on Transportation. ~~Taxation: vehicle license fee: adjustment~~ *Vehicles.*

The

(1) *The Vehicle License Fee (VLF) Law* establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state in the amount of 2% of the market value of that vehicle, as specified. The VLF Law requires the Department of Motor Vehicles to determine the market value of a vehicle, as specified, upon the first sale of a new vehicle to a consumer and upon each sale of a used vehicle to a consumer for the purpose of computing the vehicle license fee. The VLF Law also provides that if a commercial vehicle, as defined, is modified or additions are made, as specified, at a cost of \$2,000 or more, the owner of that vehicle is required to report that modification or addition to the department for the purposes of making the specified computation.

This bill would delete obsolete cross-references contained in these provisions.

(2) Existing law imposes weight fees on commercial vehicles, subject to certain exceptions, with those fees to be deposited in the State Highway Account and the Motor Vehicle Account.

This bill would make technical, nonsubstantive changes in an existing exemption from weight fees for certain special transportation vehicles.

(3) Existing law requires an applicant for renewal of a traffic violator school operator's license to pass an examination on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, traffic violator school statutes and regulations, and office procedures and recordkeeping.

This bill would authorize the Department of Motor Vehicles to accept evidence of continuing professional education, as defined, in lieu of the examination.

(4) Under existing law, when an application is made to the Department of Motor Vehicles to register a vehicle reported as a total loss salvage vehicle or for dismantling, the department is required to inspect the vehicle, as specified, or to request that the Department of the California Highway Patrol inspect the vehicle, as specified. Existing law also requires a person submitting those vehicles for registration to have specified documents available.

This bill would prohibit a vehicle that has been reported as a total loss salvage vehicle or dismantled vehicle from being subsequently registered until the prescribed bill of sale, an appropriate application, official lamp and brake adjustment certificates, as specified, other required documents and fees, and specified pollution control information is submitted to the Department of Motor Vehicles. The bill would prohibit the Department of Motor Vehicles from registering a vehicle that has been reported as a total loss salvage vehicle or dismantled vehicle if the vehicle has been referred to the Department of the California Highway Patrol, or selected for inspection by that department, as specified, until the applicant for registration submits to the Department of Motor Vehicles a certification of that inspection.

Because a violation of this provision would be a crime under other provisions of existing law, the bill would impose a state-mandated local program by expanding the scope of that crime.

(5) Existing law requires all drivers to have evidence of financial responsibility with them at all times, and defines "evidence of financial responsibility" for these purposes.



This bill would make technical, nonsubstantive changes to provisions defining financial responsibility.

(6) Existing law imposes penalties for willful violation of a promise to appear in court for, and willful failure to pay a fine for, a violation of the Vehicle Code, or for a violation of an ordinance adopted under that code.

This bill would make technical, nonsubstantive changes to this provision.

(7) This bill would make various other technical, nonsubstantive changes in existing law relating to vehicles.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10753 of the Revenue and Taxation
2 Code is amended to read:

3 10753. (a) Upon the first sale of a new vehicle to a consumer
4 and upon each sale of a used vehicle to a consumer, the department
5 shall determine the market value of the vehicle on the basis of the
6 cost price to the purchaser as evidenced by a certificate of cost, but
7 not including California sales or use tax or any local sales,
8 transactions, use, or other local tax. "Cost price" includes the
9 value of any modifications made by the seller.

10 (b) Notwithstanding subdivision (a), the department shall not
11 redetermine the market value of used vehicles, or modify the
12 vehicle license fee classification of used vehicles determined
13 pursuant to Section 10753.2, when the seller is the parent,
14 grandparent, child, grandchild, or spouse of the purchaser, and the
15 seller is not engaged in the business of selling vehicles subject to
16 registration under the Vehicle Code, or when a lessor, as defined
17 in Section 372 of the Vehicle Code, transfers title and registration
18 of a vehicle to the lessee at the expiration or termination of a lease.



1 (c) (1) In the event that any commercial vehicle is modified or
2 additions are made to the chassis or body at a cost of two thousand
3 dollars (\$2,000) or more, but not including any change of engine
4 of the same type or any cost of repairs to a commercial vehicle, the
5 owner of the commercial vehicle shall report any modification or
6 addition to the department and the department shall classify or
7 reclassify the commercial vehicle in its proper class as provided in
8 Section 10753.2, taking into consideration the increase in the
9 market value of the commercial vehicle due to those modifications
10 or additions, and any reclassification resulting in increase in
11 market value shall be based on the cost to the consumer of those
12 modifications or additions. In the event any vehicle is modified or
13 altered resulting in a decrease in the market value thereof of two
14 hundred dollars (\$200) or more as reported to and determined by
15 the department, the department shall classify or reclassify the
16 vehicle in its proper class as provided in Section 10753.2.

17 (2) Paragraph (1) does not apply under any of the following
18 conditions:

19 (A) When the cost of any modification or addition to the chassis
20 or body of a commercial vehicle is less than two thousand dollars
21 (\$2,000).

22 (B) When the cost is for modifications or additions necessary
23 to incorporate a system approved by the State Air Resources Board
24 as meeting the emission standards set forth in subdivisions (a) and
25 (b) of former Section 39102 and former Section 39102.5 of the
26 Health and Safety Code as they read on December 31, 1975.

27 (C) When the cost is for modifications that are necessary to
28 enable a disabled person to use or operate the vehicle.

29 (3) For purposes of this subdivision, “commercial vehicle”
30 means a “commercial vehicle,” as defined in Section 260 of the
31 Vehicle Code, that is regulated by the Department of the California
32 Highway Patrol pursuant to Sections 2813 and 34500 of the
33 Vehicle Code.

34 (d) This section also applies to a system as specified in
35 subdivision (c) that is approved by the State Air Resources Board
36 as meeting the emission standards specified in subdivisions (a) and
37 (b) of former Section 39102 and former Section 39102.5 of the
38 Health and Safety Code as they read on December 31, 1975, for
39 vehicles 6,001 pounds or less, manufacturer’s gross vehicle
40 weight, controlled to meet exhaust emission standards when sold

new, when that system is used in any vehicle over 6,001 pounds or any vehicle 6,001 pounds or less not controlled to meet exhaust emission standards.

(e) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (c).

(f) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation, as defined in Section 234 of the Public Utilities Code, is not a modification or addition for the purpose of subdivision (c), when that equipment is not owned by the owner of the vehicle.

(g) For purposes of this section, “vehicle” does not include trailers or semitrailers.

SEC. 2. Section 1800 of the Vehicle Code is amended to read:

1800. (a) The department shall file each application received for the registration of a vehicle and shall keep a record of each vehicle registered in suitable books, or on index cards as follows:

(1) Under a distinctive registration number assigned to the vehicle.

(2) Alphabetically, under the name of the owner.

(3) Under the motor or a permanent identifying number of the vehicle as may be determined by the department.

(4) In the discretion of the department, in any other manner it may deem desirable.

(b) The department shall file every application for a license to operate a motor vehicle received by it and maintain *all of the following*:

(1) A suitable index containing, in alphabetical order, all applications denied. On the applications shall be noted the reasons for ~~such~~ the denial.

(2) A suitable index containing, in alphabetical order, all applications granted.

(3) A suitable index containing, in alphabetical order, the name of every licensee whose license has been suspended or revoked by the department or by a court and after each name ~~note~~ notes the reasons for the action and the period of revocation or suspension.

SEC. 3. Section 1810 of the Vehicle Code is amended to read:

1810. (a) Except as provided in Sections 1806.5, 1808.2, 1808.4, 1808.5, 1808.6, 1808.7, 1808.8, and paragraph (2) of subdivision (a) of Section 12800.5, the department may permit

1 inspection of, or sell, or both, information from its records
2 concerning the registration of any vehicle or information from the
3 files of drivers' licenses at a charge sufficient to pay at least the
4 actual cost to the department for providing the inspection or sale
5 of the information, including, but not limited to, costs incurred by
6 the department in carrying out subdivision (b), with the charge for
7 the information to be determined by the director. This section does
8 not apply to statistical information of the type previously compiled
9 and distributed by the department.

10 (b) (1) With respect to the inspection or sale of information
11 concerning the registration of any vehicle or of information from
12 the files of drivers' licenses, the department shall, ~~by regulation,~~
13 establish, *by regulation*, administrative procedures under which
14 any person making a request for that information shall be required
15 to identify himself or herself and state the reason for making the
16 request. The procedures shall provide for the verification of the
17 name and address of the person making a request for the
18 information, and the department may require the person to
19 produce that information as it determines is necessary to ensure
20 that the name and address of the person is the true name and
21 address. The procedures may provide for a 10-day delay in the
22 release of the requested information. The procedures shall also
23 provide for notification to the person to whom the information
24 primarily relates, as to what information was provided and to
25 whom it was provided. The department shall, ~~by regulation,~~
26 establish, *by regulation*, a reasonable period of time for which a
27 record of all the foregoing shall be maintained.

28 (2) The procedures required by this subdivision do not apply to
29 any governmental entity, any person who has applied for and has
30 been issued a requester code by the department, or any court of
31 competent jurisdiction.

32 (c) With respect to the inspection or sale of information from
33 the files of drivers' licenses, the department may require both the
34 full name of the driver and either the driver's license number or
35 date of birth as identifying points of the record, except that the
36 department may disclose a record without two identifying points
37 if the department determines that the public interest in disclosure
38 outweighs the public interest in personal privacy.

39 (d) With respect to the inspection or sale of information from
40 the files of drivers' licenses, certificates of ownership, and

1 registration cards, the department ~~shall~~ may not allow, for a fee or
2 otherwise, ~~allow~~ copying by the public.

3 *SEC. 4. Section 1810.7 of the Vehicle Code is amended to*
4 *read:*

5 1810.7. (a) Except as provided in Sections 1806.5, 1808.2,
6 1808.4, 1808.5, ~~1808.6~~, 1808.7, and 1808.21, the department may
7 *authorize*, by special permit, ~~authorize~~ any person to access the
8 department's electronic database, as provided for in this section,
9 for the purpose of obtaining information for commercial use.

10 (b) The department may limit the number of permits issued
11 under this section, and may restrict, or establish priority for, access
12 to its files as the department deems necessary to avoid disruption
13 of its normal operations, or as the department deems is in the best
14 interest of the public.

15 (c) The department may establish minimum volume levels,
16 audit and security standards, and technological requirements, or
17 any terms and conditions it deems necessary for the permits.

18 (d) As a condition of issuing a permit ~~pursuant to~~ *under* this
19 section, the department shall require each direct-access permittee
20 to file a performance bond or other financial security acceptable
21 to the department, in an amount the department deems appropriate.

22 (e) The department shall charge fees for direct-access service
23 permits, and shall charge fees pursuant to Section 1810 for any
24 information copied from the files.

25 (f) The department shall ensure that information provided
26 ~~pursuant to~~ *under* this section includes only the public portions of
27 records.

28 (g) ~~The On and after January 1, 1992, the director shall, on and~~
29 ~~after January 1, 1992,~~ report every three years to the Legislature
30 on the implementation of this section. The report shall include the
31 number and location of direct-access permittees, the volume and
32 nature of direct-access inquiries, procedures the department has
33 taken to ensure the security of its files, and the costs and revenues
34 associated with the project.

35 (h) The department shall establish procedures to ensure
36 confidentiality of any records of residence addresses and mailing
37 addresses as required by Sections 1808.21, 1808.22, 1808.45,
38 1808.46, and 1810.2.

39 *SEC. 5. Section 4456 of the Vehicle Code is amended to read:*

1 4456. (a) When selling a vehicle, dealers and lessor-retailers
2 shall use numbered report-of-sale forms issued by the department.
3 The forms shall be used in accordance with the following terms
4 and conditions:

5 (1) The dealer or lessor-retailer shall attach for display a copy
6 of the report of sale on the vehicle before the vehicle is delivered
7 to the purchaser.

8 (2) The dealer or lessor-retailer shall submit to the department
9 an application accompanied by all fees and penalties due for
10 registration or transfer of registration of the vehicle within 30 days
11 from the date of sale, as provided in subdivision (c) of Section
12 9553, if the vehicle is a used vehicle, and 20 days if the vehicle is
13 a new vehicle. Penalties due for noncompliance with this
14 paragraph shall be paid by the dealer or lessor-retailer. The dealer
15 or lessor-retailer ~~shall~~ may not charge the purchaser for the
16 penalties.

17 (3) As part of an application to transfer registration of a used
18 vehicle, the dealer or lessor-retailer shall include all of the
19 following information on the certificate of title, application for a
20 duplicate certificate of title, or form prescribed by the department:

21 (A) Date of sale and report of sale number.

22 (B) Purchaser's name and address.

23 (C) Dealer's name, address, number, and signature or signature
24 of authorized agent.

25 (D) Salesperson number.

26 (4) If the department returns an application and the application
27 was first received by the department within 30 days of the date of
28 sale of the vehicle if the vehicle is a used vehicle, and 20 days if
29 the vehicle is a new vehicle, the dealer or lessor-retailer shall
30 submit a corrected application to the department within 50 days
31 from the date of sale of the vehicle if the vehicle is a used vehicle,
32 and 40 days if the vehicle is a new vehicle, or within 30 days from
33 the date that the application is first returned by the department if
34 the vehicle is a used vehicle, and 20 days if the vehicle is a new
35 vehicle, whichever is later.

36 (5) If the department returns an application and the application
37 was first received by the department more than 30 days from the
38 date of sale of the vehicle if the vehicle is a used vehicle, and 20
39 days if the vehicle is a new vehicle, the dealer or lessor-retailer
40 shall submit a corrected application to the department within 50

1 days from the date of sale of the vehicle if the vehicle is a used
2 vehicle, and 40 days if the vehicle is a new vehicle.

3 (6) An application first received by the department more than
4 50 days from the date of sale of the vehicle if the vehicle is a used
5 vehicle, and 40 days if the vehicle is a new vehicle, is subject to
6 the penalties specified in subdivisions (a) and (b) of Section
7 4456.1.

8 (7) The dealer or lessor-retailer shall report the sale ~~pursuant to~~
9 *under* Section 5901.

10 (b) (1) A transfer that takes place through a dealer conducting
11 a wholesale ~~motor~~ vehicle auction shall be reported to the
12 department by that dealer on a single form approved by the
13 department. The completed form shall contain, at a minimum, all
14 of the following information:

15 (A) The name and address of the seller.

16 (B) The seller's dealer number, if applicable.

17 (C) The date of delivery to the dealer conducting the auction.

18 (D) The actual mileage of the vehicle as indicated by the
19 vehicle's odometer at the time of delivery to the dealer conducting
20 the auction.

21 (E) The name, address, and occupational license number of the
22 dealer conducting the auction.

23 (F) The name, address, and occupational license number of the
24 buyer.

25 (G) The signature of the dealer conducting the auction.

26 (2) Submission of the completed form specified in paragraph
27 (1) to the department shall fully satisfy the requirements of
28 subdivision (a) and subdivision (a) of Section 5901 with respect
29 to the dealer selling at auction and the dealer conducting the
30 auction.

31 (3) The single form required by this subdivision does not
32 relieve a dealer of any obligation or responsibility that is required
33 by any other provision of law.

34 (c) A vehicle displaying a copy of the report of sale may be
35 operated without license plates or registration card until either of
36 the following, whichever occurs first:

37 (1) The license plates and registration card are received by the
38 purchaser.

39 (2) A six-month period, commencing with the date of sale of
40 the vehicle, has expired.

1 *SEC. 6. Section 5068 of the Vehicle Code is amended to read:*

2 5068. (a) (1) Any veterans' organization may apply either
3 individually or with other veterans' organizations to meet the
4 ~~5,000~~ application threshold set forth in Section 5060 for special
5 interest plates. An organization that meets the ~~5,000~~ minimum
6 application requirement by applying with other organizations
7 ~~pursuant to~~ *under* this subdivision shall be issued a regular license
8 plate bearing a distinctive design or decal approved ~~pursuant to~~
9 *under* subdivision (a) of Section 5060.

10 (2) Special interest plates issued ~~pursuant to~~ *under* this section
11 may be issued in a combination of numbers or letters, or both,
12 requested by the owner or lessee of the vehicle, to be displayed in
13 addition to the design or decal authorized under paragraph (1),
14 subject to Section 5105.

15 (b) In addition to the regular fees for an original registration, a
16 renewal of registration, or a transfer of registration, the following
17 fees shall be paid by individuals applying for a veterans'
18 organization special interest license plate or decal:

19 (1) Thirty dollars (\$30) for the initial issuance of the plates and
20 decals. The plates shall be permanent and ~~shall~~ *may* not be required
21 to be replaced.

22 (2) Thirty dollars (\$30) for each renewal of registration ~~which~~
23 *that* includes the continued display of the plates or decals.

24 (3) Fifteen dollars (\$15) for transfer of the plates to another
25 vehicle.

26 (4) Thirty-five dollars (\$35) for replacement plates, if they
27 become damaged or unserviceable.

28 (5) Ten dollars (\$10) for replacement decals, if they become
29 damaged or unserviceable.

30 (6) Forty dollars (\$40) for the personalization of the plates, as
31 authorized under paragraph (2) of subdivision (a).

32 (c) This section shall become operative on July 1, 2002.

33 *SEC. 7. Section 6700 of the Vehicle Code is amended to read:*

34 6700. (a) Except as provided in Section 6700.2, the owner of
35 any vehicle of a type otherwise subject to registration under this
36 code, other than a commercial vehicle registered in a foreign
37 jurisdiction, may operate the vehicle in this state until gainful
38 employment is accepted in this state or until residency is
39 established in this state, whichever occurs first, if the vehicle
40 displays valid license plates and has a valid registration issued to

the owner, and the owner was a resident of that state at the time of issuance. Application to register the vehicle shall be made within 20 days after gainful employment is accepted in this state or residency is established in this state.

(b) A nonresident owner of a vehicle, otherwise exempt from registration pursuant to this section or Section 6700.2, may operate or permit operation of the vehicle in this state without registering the vehicle in this state if the vehicle is registered in the place of residence of the owner and displays upon it valid license plates issued by that place. This exemption does not apply if the nonresident owner rents, leases, lends, or otherwise furnishes the vehicle to a California resident for regular use on the highways of this state, as defined in subdivision (b) of Section 4000.4.

(c) Any resident who operates upon a highway of this state a vehicle owned by a nonresident who furnished the vehicle to the resident operator for his or her regular use within this state, as defined in subdivision (b) of Section 4000.4, shall cause the vehicle to be registered in California within 20 days after its first operation within this state by the resident.

~~(d) Nothing in this section supersedes the requirements of Section 6851.~~

SEC. 8. Section 9101 of the Vehicle Code is amended to read:
9101. No fees specified in this code, except fees not exempted under Section 9100 9103, need be paid for any vehicle operated by the State, or by any county, city, district, or political subdivision of the State, or the United States, as lessee under a lease, lease-sale, or rental-purchase agreement ~~which~~ *that* grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

SEC. 9. Section 9107 of the Vehicle Code is amended to read:
9107. The weight fees for commercial vehicles specified in ~~Section~~ *Sections 9400 and 9400.1* do not apply to any of the following:

(a) ~~Any~~ *A* vehicle operated by a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, ~~which~~ *that* is subject to the jurisdiction of the Public Utilities Commission, if ~~both~~ *all* of the following conditions are met:

(1) ~~When the~~ *The* vehicle is operated exclusively on any line or lines having a one-way route mileage not exceeding 15 miles, and ~~if~~ each of those lines is operated in either of the following areas:

1 (A) In urban or suburban areas or between cities in close
2 proximity.

3 (B) Between nonadjacent urban or suburban areas or cities, the
4 area between which is substantially residential, commercial, or
5 industrial as distinguished from rural.

6 (2) ~~When the~~ The principal business of the passenger stage
7 corporation is the operation of vehicles on a route or routes as
8 defined in paragraph (1) ~~of this subdivision.~~

9 (b) ~~Any~~ A vehicle operated exclusively on any line or lines
10 within the limits of a single city by a person engaged as a common
11 carrier of passengers between fixed termini or over a regular route,
12 98 percent of whose operations, as measured by total route mileage
13 operated, are exclusively within the limits of a single city, and who
14 by reason thereof is not a passenger ~~state~~ stage corporation subject
15 to the jurisdiction of the Public Utilities Commission.

16 (c) Vanpool vehicles.

17 (d) ~~Any~~ A vehicle purchased with federal funds under the
18 authority of paragraph (2) of subsection ~~(b)~~ (a) of Section ~~1612~~
19 5310 of Title 49 of the United States Code or Chapter 35
20 (commencing with Section 3001) of Title 42 of the United States
21 Code for the purpose of providing specialized transportation
22 services to senior citizens and handicapped persons by public and
23 private nonprofit operators of specialized transportation service
24 agencies.

25 (e) ~~Any~~ A vehicle operated solely for the purpose of providing
26 specialized transportation services to senior citizens and persons
27 with disabilities, by a nonprofit, public benefit consolidated
28 transportation service agency designated under Section 15975 of
29 the Government Code.

30 SEC. 10. Section 11204 of the Vehicle Code is amended to
31 read:

32 11204. (a) The department shall issue a license certificate to
33 each traffic violator school owner and each traffic violator school
34 operator licensed pursuant to this chapter. The term of the license
35 shall be for a period of one year from the date of issue unless
36 canceled, suspended, or revoked by the department. The license
37 shall be renewed annually. The department shall require
38 compliance with Section 11202 for renewal of the license of a
39 traffic violator school owner. The department shall require

1 compliance with Section 11202.5 for renewal of the license of a
2 traffic violator school operator.

3 ~~Where~~

4 (b) (1) *In lieu of the examination required by Section 11202.5*
5 *for renewal of the license of a traffic violator school operator, the*
6 *department may accept submission of evidence by the licensee of*
7 *continuing professional education.*

8 (2) *“Professional education,” as used in paragraph (1), means*
9 *the satisfactory completion of courses acceptable to the*
10 *department related to traffic safety, teaching techniques, or the*
11 *teaching of driver instruction, or the participation in professional*
12 *seminars approved by the department.*

13 (c) *Whenever* in its judgment the public interest so requires, the
14 department may issue a probationary license subject to special
15 conditions to be observed by the licensee in the conduct of the
16 traffic violator school. The conditions to be attached to the license
17 shall be ~~such as~~ any that may, in the judgment of the department,
18 be in the public interest and suitable to the qualifications of the
19 applicant as disclosed by the application and investigation by the
20 department of the information contained therein. The conditions
21 ~~shall~~ may not appear on the license certificate.

22 ~~Upon~~

23 (d) *Upon* notification of the death of a traffic violator school
24 licensee, the department may issue a temporary license to the
25 executor or administrator of the estate of a deceased holder of a
26 validly outstanding license to conduct a traffic violator school, or
27 if no executor or administrator has been appointed and until a
28 certified copy of an order making ~~such~~ an appointment is filed
29 with the department, a temporary license may be issued to the
30 surviving spouse or other heir entitled to conduct the business of
31 the deceased. The temporary license shall permit the holder to
32 conduct the traffic violator school for a period of one year from and
33 after the date of the original licensee’s death, and necessary
34 one-year extensions may be granted to permit disposal of the
35 business and qualification for a license of a purchaser of the
36 business or the surviving spouse or heir. The department may
37 restrict or condition a temporary license and attach to the exercise
38 of the privilege thereunder any terms and conditions that in the
39 department’s judgment are required for the protection of the
40 public.

1 *SEC. 11. Section 11519 is added to the Vehicle Code, to read:*

2 *11519. (a) A vehicle that has been reported as a total loss*
3 *salvage vehicle or dismantled vehicle may not be subsequently*
4 *registered until there is submitted to the department all of the*
5 *following:*

6 *(1) The prescribed bill of sale.*

7 *(2) An appropriate application.*

8 *(3) Official lamp and brake adjustment certificates issued by an*
9 *official lamp and brake adjusting station licensed by the Director*
10 *of Consumer Affairs, except that a fleet owner of motor trucks of*
11 *three or more axles that are more than 6,000 pounds unladen*
12 *weight, and a fleet owner of truck tractors, may instead submit an*
13 *official lamp and brake certification for his or her rebuilt vehicle*
14 *if the fleet owner operates an inspection and maintenance station*
15 *licensed by the commissioner under subdivision (b) of Section*
16 *2525.*

17 *(4) With respect to a motor vehicle subject to Part 5*
18 *(commencing with Section 43000) of Division 26 of the Health and*
19 *Safety Code, a valid certificate of compliance from a licensed*
20 *motor vehicle pollution control device installation and inspection*
21 *station indicating that the vehicle is properly equipped with a*
22 *motor vehicle pollution control device that is in proper operating*
23 *condition and is in compliance with Part 5 (commencing with*
24 *Section 43000) of Division 26 of the Health and Safety Code.*

25 *(5) Any other documents or fees required under law.*

26 *(b) The department may not register a vehicle that has been*
27 *referred to the Department of the California Highway Patrol under*
28 *subdivision (b) of Section 5505 or that has been selected for*
29 *inspection by that department under subdivision (c) of that section,*
30 *until the applicant for registration submits to the department a*
31 *certification of inspection issued by the Department of the*
32 *California Highway Patrol and all of the documents required*
33 *under subdivision (a).*

34 *SEC. 12. Section 12814 of the Vehicle Code, as amended by*
35 *Section 10 of Chapter 985 of the Statutes of 2000, is amended to*
36 *read:*

37 *12814. (a) Application for renewal of a license shall be made*
38 *at an office of the ~~Department of Motor Vehicles~~ department by the*
39 *person to whom the license was issued. The department, in its*
40 *discretion, may require an examination of the applicant as upon an*

original application, or an examination deemed by the department to be appropriate considering the licensee's record of convictions and accidents, or an examination deemed by the department to be appropriate in relation to evidence of a condition that may affect the ability of the applicant to safely operate a motor vehicle.

~~Except as provided in Section 12814.1, the~~ The age of a licensee, by itself, ~~shall~~ may not constitute evidence of a condition requiring an examination of the driving ability. If the department finds any evidence of a condition requiring an examination, the department shall disclose the evidence to the applicant or licensee. ~~In the event that~~ If the person is absent from the state at the time the license expires, the ~~Director of Motor Vehicles~~ director may extend the license for a period of one year from the expiration date of the license.

(b) Renewal of a driver's license shall be under terms and conditions prescribed by the department.

(c) The department may adopt and administer regulations it deems necessary for the public safety in the implementation of a program of selective testing of applicants, and, with reference to this section, the department may waive tests for purposes of evaluation of selective testing procedures.

(d) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 13. *Section 12814 of the Vehicle Code, as added by Section 11 of Chapter 985 of the Statutes of 2000, is amended to read:*

12814. (a) Application for renewal of a license shall be made at an office of the ~~Department of Motor Vehicles~~ department by the person to whom the license was issued. The department may in its discretion require an examination of the applicant as upon an original application, or an examination deemed by the department to be appropriate considering the licensee's record of convictions and accidents, or an examination deemed by the department to be appropriate in relation to evidence of a condition which may affect the ability of the applicant to safely operate a motor vehicle. The age of a licensee, by itself, ~~shall~~ may not constitute evidence of a condition requiring an examination of the driving ability. If the department finds any evidence, the department shall disclose the evidence to the applicant or licensee. ~~In the event~~ If the person is

absent from the state at the time the license expires, the ~~Director of Motor Vehicles~~ director may extend the license for a period of one year from the expiration date of the license.

(b) Renewal of a driver's license shall be under terms and conditions prescribed by the department.

(c) The department may adopt and administer those regulations as shall be deemed necessary for the public safety in the implementation of a program of selective testing of applicants, and, with reference to this section, the department may waive tests for purposes of evaluation of selective testing procedures.

(d) This section shall become operative on January 1, 2011.

SEC. 14. Section 15250.7 of the Vehicle Code is amended to read:

15250.7. Upon application for issuance of a duplicate driver's license ~~pursuant to subdivision (b) of Section 15250.5 or under subdivision (b) of Section 15250.6~~, there shall be paid to the department a fee of twenty-seven dollars (\$27).

SEC. 15. Section 16021 of the Vehicle Code is amended to read:

16021. Financial responsibility of the driver or owner is established if the driver or owner of the vehicle involved in an accident described in Section 16000 is:

(a) A self-insurer under the provisions of this division.

(b) An insured or obligee under a form of insurance or bond ~~which that~~ complies with the requirements of this division and ~~which that~~ covers the driver for the vehicle involved in the accident.

(c) The United States of America, this state, any municipality or subdivision thereof, or the lawful agent thereof.

(d) A depositor in compliance with subdivision (a) of Section 16054.2.

(e) ~~A~~ An obligee under a policy issued by a charitable risk pool ~~which that~~ complies with subdivision (b) of Section 16054.2.

(f) In compliance with the requirements authorized by the department by any other manner which effectuates the purposes of this chapter.

SEC. 16. Section 40508 of the Vehicle Code is amended to read:

40508. (a) ~~Any~~ A person ~~who willfully violating~~ violates his or her written promise to appear or a lawfully granted continuance

1 of his or her promise to appear in court or before a person
2 authorized to receive a deposit of bail is guilty of a misdemeanor
3 regardless of the disposition of the charge upon which he or she
4 was originally arrested.

5 (b) ~~Any~~ A person *who* willfully ~~failing~~ *fails* to pay a lawfully
6 imposed fine for a violation of ~~any~~ *a* provision of this code or a
7 local ordinance adopted pursuant to this code within the time
8 authorized by the court and without lawful excuse having been
9 presented to the court on or before the date the fine is due is guilty
10 of a misdemeanor regardless of the full payment of the fine after
11 ~~such~~ *that* time.

12 (c) ~~Any~~ A person *who* willfully ~~failing~~ *fails* to comply with a
13 condition of a court order for a violation of this code, other than
14 for failure to appear or failure to pay a fine, is guilty of a
15 misdemeanor, regardless of ~~their~~ *his or her* subsequent
16 compliance with the order.

17 (d) If a person convicted of an infraction *under this code or a*
18 *local ordinance adopted under this code* fails to pay a fine or any
19 installment thereof within the time authorized by the court, the
20 court may, except as otherwise provided in this subdivision,
21 impound the person's driver's license and order the person not to
22 drive for a period not to exceed 30 days. Before returning the
23 license to the person, the court shall endorse on the reverse side of
24 the license that the person was ordered not to drive, the period for
25 which that order was made, and the name of the court making the
26 order. If a defendant with a class 3 *C* or 4 *M* driver's license
27 satisfies the court that impounding his or her driver's license and
28 ordering the defendant not to drive will affect his or her livelihood,
29 the court shall order that the person limit his or her driving for a
30 period not to exceed 30 days to driving that is essential in the
31 court's determination to the person's employment, including the
32 person's driving to and from his or her place of employment if
33 other means of transportation are not reasonably available. The
34 court shall provide for the endorsement of the limitation on the
35 person's *driver's* license. The impounding of the license and
36 ordering the person not to drive or the order limiting the person's
37 driving does not constitute a suspension of the license, but a
38 violation of the order constitutes contempt of court.

39 *SEC. 17. No reimbursement is required by this act pursuant*
40 *to Section 6 of Article XIII B of the California Constitution*

1 *because the only costs that may be incurred by a local agency or*
2 *school district will be incurred because this act creates a new crime*
3 *or infraction, eliminates a crime or infraction, or changes the*
4 *penalty for a crime or infraction, within the meaning of Section*
5 *17556 of the Government Code, or changes the definition of a*
6 *crime within the meaning of Section 6 of Article XIII B of the*
7 *California Constitution.*

